

Substitute for form 1449/PTO

Date Submitted: October 19, 2011

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| Application Number | 10/561,785 |
| Filing Date | 9/15/2009 |
| First Named Inventor | Caius ROMMENS |
| Art Unit | 1638 |
| Examiner Name | David T. FOX |
| Attorney Docket Number | 058951-0238 |

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| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---------------------------------|--------------------------------|--|--|
| | | Number-Kind Code* (if known) | | | |
| /D.F./ | | US 4,658,082 | 04-14-1987 | Simpson et al. | |
| | /D.F. | US 4,693,976 | 09-15-1987 | Schilperoort et al. | |
| /D.F./ | | US 4,743,548 | 05-10-1988 | Crossway et al. | |
| | /D.F. | US 4,940,838 | 07-10-1990 | Schilperoort et al. | |
| /D.F./ | | US 4,945,050 | 07-31-1990 | Sanford et al. | |
| | /D.F. | US 5,149,645 | 09-22-1992 | Hoekema et al. | |
| /D.F./ | | US 5,221,623 | 06-22-1993 | Legocki et al. | |
| | /D.F. | US 5,284,253 | 02-08-1994 | Watt et al. | |
| /D.F./ | | US 5,302,523 | 04-12-1994 | Coffee et al. | |
| | /D.F. | US 5,453,367 | 09-26-1995 | Paszkowski et al. | |
| /D.F./ | | US 5,492,852 | 02-20-1996 | Minami | |
| | /D.F. | US 5,464,763 | 11-07-1995 | Schilperoort et al. | |
| /D.F./ | | US 5,591,616 | 01-07-1997 | Hiei et al. | |
| | /D.F. | US 5,629,183 | 05-13-1997 | Saunders et al. | |
| /D.F./ | | US 5,648,249 | 07-15-1997 | Barry et al. | |
| /D.F./ | | US 5,731,179 | 03-24-1998 | Komari et al. | |
| | DE | US 5,736,369 | 04-07-1998 | Bowen et al. | |
| /D.F./ | | US 5,767,368 | 06-16-1998 | Zhong et al. | |
| | /D.F. | US 5,767,378 | 06-16-1998 | Bojsen et al. | |
| /D.F./ | | US 5,886,244 | 03-23-1999 | Tomes et al. | |
| /D.F./ | /D.F. | US 5,932,783 | 08-03-1999 | Borovkov et al. | |
| /D.F./ | | US 5,965,791 | 10-12-1999 | Ebinuma et al. | |
| | | US 5,981,840 A | 11-09-1999 | Zhao et al. | |
| /D.F./ | | US 5,990,387 | 11-23-1999 | Tomes et al. | |
| | /D.F. | US 5,998,701 | 12-07-1999 | Kawchuk et al. | |
| /D.F./ | | US 6,051,757 | 04-18-2000 | Barton et al. | |
| | /D.F. | US 6,100,447 | 08-08-2000 | Wu et al. | |
| /D.F./ | | US 6,140,553 | 10-31-2000 | D'Halluin | |
| | /D.F. | US 6,143,949 | 11-07-2000 | Ozawa et al. | |
| /D.F./ | | US 6,153,812 | 11-28-2000 | Fry et al. | |
| | /D.F. | US 6,160,204 | 12-12-2000 | Steffens | |
| /D.F./ | | US 6,174,724 B1 | 01-16-2001 | Rogers et al. | |
| | /D.F. | US 6,201,169 B1 | 03-13-2001 | Paszkowski et al. | |
| /D.F./ | | US 6,207,880 B1 | 03-27-2001 | Kossmann et al. | |
| | /D.F. | US 6,258,999 B1 | 07-10-2001 | Tomas et al. | |
| /D.F./ | | US 6,265,638 B1 | 07-24-2001 | Bidney et al. | |
| /D.F./ | | US 6,403,865 B1 | 06-11-2002 | Koziel et al. | |

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|--------------------|----------|---|--------------------------------|---|--|----------------|
| /D.F./ | | EP 0 120 516 | 10-23-1991 | Rijksuniversiteit Leiden | | |
| /D.F./ | | EP 0 174 166 | 03-12-1986 | AgriGenetics Research | | |
| /D.F./ | | EP 0 257 472 A2 | 03-02-1988 | Max-Planck Gesellschaft | | |
| /D.F./ | /D.F./ | EP 0 270 822 A1 | 06-15-1988 | Max-Planck Gesellschaft | | |
| /D.F./ | | EP 0 486 223 B1 | 01-24-1996 | Lucas Ind. Public Ltd. Co. | | |
| /D.F./ | /D.F./ | EP 0 554 273 A1 | 08-11-1993 | Clovis Matton N.V. | | |
| /D.F./ | | EP 0 561 082 B1 | 02-24-1999 | Pioneer Hi-Bred Int'l. | | |
| | | EP 0 863 675 A1 | 07-23-1998 | Ciba Geigy AG | | |
| | | EP 1 009 842 | 01-14-1999 | Mogen International N.V. | NOT RECEIVED | |
| | DE | WO 92/06205 A1 | 04-16-1992 | Clovis Matton N.V. | | |
| | | WO 98/04722 A1 | 02-05-1998 | Univ. Heidelberg | DE | |
| | | WO 1999/53030 A1 | 10-21-1999 | Andrew Lefesvre | DE | |
| /D.F./ | /D.F./ | WO 2001/095702 A1 | 12-20-2001 | State of Victoria | | |
| /D.F./ | | WO 2001/025459 | 04-12-2001 | Japan Tobacco, Inc. | | |
| /D.F./ | | WO 2004/040999 | 05-21-2004 | Bayer Cropscience GmbH | | |

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|--------------------|-----------------------|--|----------------|
| /D.F./ | | Simplot's Opposition entitled, "Statement of facts and arguments pursuant to Article 99(1) and Rule 76(1) EPC in support of Opposition by J. R. Simplot Company to European Patent No. EP-B1-1 562 444 (Application No. 03772318.6) in the name of Bayer Cropscience AG entitled "Process for Reducing the Acrylamide Content of Heat-treated Foods", May 7, 2010, 19 pages, European Patent Office. | |
| /D.F./ | | Bayer's Observation to the Opposition of J.R. Simplot against European Patent No. EP-B1-1 562 444, February 17, 2011, 17 pages, European Patent Office. | |

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| /D.F./ | | Simplot's Comments entitled, "Opposition by J. R. Simplot Company to European Patent No. EP-B1-1 562 444 (Application No. 03772318.6) in the name of Bayer Cropscience AG entitled 'Process for Reducing the Acrylamide Content of Heat-treated Foods'", September 8, 2011, 12 pages, European Patent Office. | |
| /D.F./ | | "Declaration of Dr. Caius Rommens, PhD", Opposition by J. R. Simplot Company to European Patent No. EP-B1-1 562 444 (Application No. 03772318.6) in the name of Bayer Cropscience AG, August 9, 2011, 10 pages. | |
| /D.F./ | | HOOD et al., "Molecular Farming of Industrial Proteins from Transgenic Maize", advances in Experimental Medicine and Biology, (1999), 464: 127-147. | |
| /D.F./ | | KOUSSEVITZKY et al., "Purification and Properties of a Novel Chloroplast Stromal Peptidase," <i>The Journal of Biological Chemistry</i> , (1998) vol. 273, no. 42, pp. 27064-27069. | |
| /D.F./ | | RICHAEL et al., "Cytokinin vectors mediate marker-free and backbone-free plant transformation", <i>Transgenic Res.</i> , (2008) 17:905-917. | |
| /D.F./ | | ALBER et al., "Nucleotide Sequence of the Triose Phosphate Isomerase Gene of <i>Saccharomyces cerevisiae</i> ", <i>Journal of Molecular and Applied Genetics</i> , vol. 1, pp. 419-434, (1982). | |
| /D.F./ | | ALTSCHUL et al., "Basic Local Alignment Search Tool", 1990, vol. 215, pp. 403-410, <i>J. Mol. Biol.</i> | |
| /D.F./ | | ALTSCHUL et al., "Gapped BLAST and PSI-BLAST: a new generation of protein database search programs", <i>Nucleic Acids Research</i> , (1997), vol. 25, no. 17, pp. 3389-3402. | |
| /D.F./ | | BAILEY, et al., "Combining evidence using p-values: application to sequence homology searches," <i>Bioinformatics</i> , vol. 14, pp. 48-54 (1998). | |
| /D.F./ | | DURING, K. "A Plant Transformation Vector with Minimal T-DNA", <i>Transgenic Research</i> , vol. 3, PP. 138-140 (1994). | |
| /D.F./ | | HORSCH et al., "A Simple and General Method for Transferring Genes into Plants", March 8, 1985, pp. 1229-1231, <i>Biological Sciences</i> , Monsanto Company, St. Louis, MO, USA; Science v. 227 | |
| /D.F./ | | LOBERTH et al., "Promoter Elements Involved in Environmental and Developmental Control of Potato Proteinase Inhibitor II Expression", <i>The Plant Journal</i> , vol. 2, no. 4, pp. 477-486 (1992). | |
| /D.F./ | | NIELSEN, K.M., "Transgenic Organisms-time for conceptual diversification?" <i>Nature Biotechnology</i> , March, 2003, Vol. 21, pp. 227-228. | |

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| Examiner Signature | Date Considered |
|--------------------|-----------------|

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| /D.F./ | | ROHDE <i>et al.</i> , "Structural and Functional Analysis of Two Waxy Gene Promoters from Potato," <i>J. Genet & Breed</i> , vol. 44, pp. 311-315 (1990). | |
| /D.F./ | | ROMMENS, C.M., "Ali-Native DNA Transformation: A New Approach to Plant Genetic Engineering", <i>Trends Plant Sci.</i> , September 9, 2004, vol. 9, no. 9, pp. 457-464. | |

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